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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
The Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CARMEN DELL'OREFICE,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04842 (SMB)

TRUSTEE'S REQUEST FOR A CERTIFICATE OF DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant Carmen Dell'Orefice, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 7055-1, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
August 8, 2014

Respectfully submitted,

/s/ Marc E. Hirschfield

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**AFFIDAVIT SUPPORTING THE TRUSTEE'S REQUEST
FOR A CERTIFICATE OF DEFAULT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Marc E. Hirschfield, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard ("Trustee"), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA") and the estate of Bernard L. Madoff, individually. I submit this affidavit in support of the Trustee's application for a certificate of default from the Clerk pursuant to Bankruptcy Rule 7055 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 7055-1.

2. On December 1, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the "Complaint") against Carmen Dell'Orefice ("Defendant"). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78fff-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent conveyances in connection with certain transfers of property by BLMIS to or for the benefit of Defendant. (*Id.*).

3. On February 14, 2011, the Clerk of this Court issued a summons upon Defendant. (Dkt. No. 3.)

4. On February 14, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defendant. (*See* Dkt. No. 3.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (*Id.*, *see also* Ex. A, Affidavit of Service; Dkt. No. 3.) A true and correct copy of the Affidavit of Service is attached hereto as Exhibit A.

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Defaulting Defendants may answer or otherwise move with respect to the Complaint expired April 15, 2011. (*See* Dkt. No. 3.)

6. Despite being duly served with the Summons and Complaint, Defendant did not file an answer, move, or otherwise respond to the Complaint on or before April 15, 2011.

7. Upon information and belief, Defendant is neither an infant nor an incompetent.

8. On August 6, 2014, I caused to be performed a search on the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC, the DMDC does not possess any information indicating that Defendant is currently on active duty as to all branches of the Military.

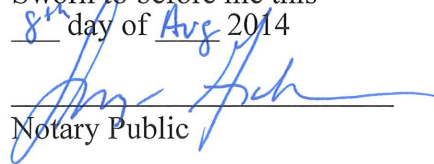
9. Attached hereto as Exhibit B is a true and correct copy of the Affidavit of Service reflecting proper service of this application on Defendant.

10. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.



Marc E. Hirschfield

Sworn to before me this
8th day of Aug 2014


Notary Public

SONYA M. GRAHAM
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: 9/12/20 17

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Case No. 09-11893 (BRL)

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04842 (BRL)

Plaintiff,

v.

CARMEN DELL'OREFICE,

Defendant.

AFFIDAVIT OF SERVICE

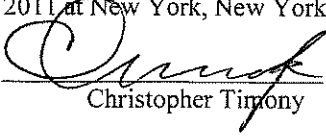
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Christopher Timony declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 14th day of February, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the
 - (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the

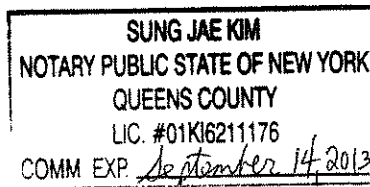
- (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 3); and the
 - (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
 - (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
 - (vi) "Second Amended Notice of Omnibus Avoidance Action Hearing Dates",
- to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 14th day of February, 2011, at New York, New York.

By


Christopher Timony

Sworn before me this
14th day of February, 2011


Notary Public



Date : 2/14/2011

Adv Pro No: 10-04842 (BRL)

Page # : 1

Exhibit 1

Redacted Version

CARMEN DELL'OREFICE

CARMEN DELL'OREFICE
NEW YORK NY 10021

000434 005188

JEROME LEBOWITZ, ESQ.
60 WILDWOOD ROAD
NEW ROCHELLE NY 10804

Counsel - 000434 005189

EXHIBIT B

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
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and Estate of Bernard L. Madoff*

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Defendant.

Adv. Pro. No. 08-01789 (SMB)
SIPA LIQUIDATION

(Substantively Consolidated)

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Plaintiff,

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Defendant.

Adv. Pro. No. 10-04842 (SMB)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, **Tanya Kinne**, being duly sworn, depose and say: I am more than eighteen years old and not a party to this action. My business address is Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111.

On August 11, 2014, I served the ***TRUSTEE'S REQUEST FOR A CERTIFICATE OF DEFAULT and AFFIDAVIT SUPPORTING THE TRUSTEE'S REQUEST FOR CERTIFICATE OF DEFAULT*** via electronic transmission to the email address designated for delivery and/or by placing true and correct copies thereof in sealed packages designated for regular U.S. Mail to the parties as set forth on the attached Schedule A.

TO: *See Attached Schedule A*

/s/Tanya Kinne
TANYA KINNE

Sworn to before me this
11th day of August, 2014

/s/Sonya M. Graham
Notary Public

Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept.12, 2017

SCHEDULE A

Carmen Dell'Orefice
New York, NY 10021
Pro Se